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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/871,248 | 06/01/2001 | Masahiro Shioji | 010721 | 8234 |

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EXAMINER

HANNETT, JAMES M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2622

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/871,248 | Applicant(s) SHIOJI, MASAHIRO | |
| | Examiner James M. Hannett | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,763,182 Endo et al in view of USPN 6,912,002 Soga.

2: As for Claim 1, Endo et al teaches in Figure 2 a digital camera which accesses a recording medium (memory card 2) having a plurality of folder to store a plurality of image files to each of which a file number is assigned. Figures (2, 4A and 4B) and teaches on Column 4, Lines 17+ (a plurality of folders referred to as sub-directories for still and moving images). Endo et al further teaches a control micro-computer (7) which inherently has a point for pointing to any one of the plurality of folders formed in the recording medium (2) as record destination depending on the type of image being captured (still or moving Column 5, Lines 5-50). This reads on the Limitation of a first pointer to point at any one of the folders as a record destination. Endo et al also teaches the control micro-computer (7) inherently has a pointer for pointing to any one of the plurality of folders formed in the recording medium (2) for reproducing images (still or moving, Column 5, lines 51+). This reads on the limitation of a second pointer to point at

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any one of the folders as a reproducing destination folder. Furthermore, in order to display the desired image file, not only will the micro-computer (7) need to point to the correct directory, the micro-computer (7) will need to point to the correct image file within the directory. Therefore, the micro-controller (7) inherently has a third pointer to point any one of the image files stored in the reproducing destination folder. Endo et al further teaches a writer (7) for writing a new image file accommodating photographed image data (Column 5, lines 24+) to the record destination folder when a recording instruction is issued. Endo teaches a first changer (referred to as setting the camera to a reproduction/playback mode or recording mode indicated by a shutter button 14 in which the changeover switch 13 sets the camera into the selected mode;(col. 5, lines 5-8 and 51-54). This first changer (changeover switch 13) changes a point destination of the second pointer (which indicates the folder of the image to be reproduced) and changes a point destination of the third pointer (which indicates the image file within the folder of the image to be reproduced) to a point destination of the first pointer (the image to be recorded in the specific location according the a recording instruction), activating the shutter button 14 for image capture). This is interpreted as changing the point destination of the second pointer to a point destination of the first pointer (changing from a location of reproducing to a location of recording). Endo et al also teaches a file number assigner for assigning file numbers (Column. 5, Lines 23-39). Endo numbers a new captured image consecutively based on all the captured files (still or motion) not just based on the still images in the still image folder. Furthermore, the camera of Endo gives a camera user the ability to capture MPG video, however, the camera user can only take JPG still images if desired. Therefore, if the last captured object by the camera was a JPG still image and assigned a number "008" the next subsequent action taken by the camera

(if a still image capture) will record the still image into the still image folder and assign the number "009" to the image Endo et al Column 5, Lines 23-39. Therefore, the writer (7) includes a detector to detect a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder, and an assigner to assign a file number continuous from the maximum file number detected by the detector to the new image file. However, Endo et al does not teach that the assigner can assign the same file number to different folders. Furthermore, Endo et al only includes 5 number fields for the image file number. Therefore limiting the number of captured numbers to 99999.

Soga teaches in Figure 10 and Column 1, Lines 20-35 that it is advantageous when designing digital cameras to enable the circuitry that assigns a frame number to the captured images to be reset after images are transferred from a camera to a personal computer hard drive. Soga teaches that this method is advantageous because it allows different image data having the same frame number to be stored in the same hard disk in different folders. Therefore, decreasing the maximum needed file numbers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the circuitry that assigns a frame number of Endo et al to be reset every after images are transferred from a camera to a personal computer hard drive as taught by Soga in order to allow different image data having the same frame number to be stored in the same hard disk in different folders. Therefore, decreasing the maximum needed file numbers.

3: In regards to Claim 2, Endo et al further teaches a folder number assigner (Column 4, Lines 8 33) for assigning different folder numbers respectively to the folders formed in the recording medium, wherein the first pointer holds a folder number of the record destination

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folder, the second pointer holds a folder number of the reproducing destination folder, the first changer sets a folder number held by the first pointer to the second pointer (Column 5, lines 6-67).

4: As for Claim 5, Endo et al further teaches a selector (Column 5, Lines 60+) for selecting a designated folder as the reproducing destination folder; and a second changer (inherently located in the micro-computer 7) for changing only the pointing destination of the second pointer among the first pointer and second pointer to a folder selected by the selector (Column 5, Lines 13+).

5: In regards to Claim 6 Endo et al further teaches on Column 3, Lines 38-41 a digital camera further comprises a reproducer (display unit 5) for reproducing (displaying) an image file specified by the second pointer (points to Folder) and the third pointer (points to specific file within folder) when a reproducing instruction (display) is issued. Endo et al teaches on Column 6, Lines 3-22 that when a user presses a Button to display the image on the display (5), the micro-computer (7) will read from the memory card (2) the file indicated. The microcomputer will inherently need to be able to point to both the appropriate folder and file in order to acquire the image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hammett
Examiner
Art Unit 2612



JMH
July 31, 2006



VIVEK SRIVASTAVA
PRIMARY EXAMINER